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**SUPERIOR COURT, STATE OF ARIZONA, IN AND FOR THE COUNTY OF YAVAPAI**

<b>STATE OF ARIZONA</b>  (Plaintiff)  vs.  <b>STEVEN CARROLL DEMOCKER</b>  (Defendant)	<b>Case No. CR 2008-1339</b>  <b>COURT ORDER clarifying:</b> <b>Minute Entry Order</b> <b>Entered on May 12<sup>th</sup>, 2009</b>	<b>FILED</b>  <b>DATE:</b> <u>JUN 03 2009</u> <u>1</u> O'Clock <u>P</u> M. <b>JEANNE HICKS, CLERK</b> <b>BY:</b> <u>S. Shamake</u>  <b>Deputy</b>
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<b>HONORABLE Thomas B. Lindberg</b>  <b>DIVISION SIX</b>	<b>BY: Martha Wolfinger / Judicial Assistant</b> <b>Division Six</b>  <b>DATE: June 3<sup>rd</sup>, 2009</b>
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The Court by this Order clarifies the Minute Entry entered May 12, 2009. Therein, conflicting disclosure deadlines apparently were set for the State. On page one, the disclosure deadline was "60 days from (May 12, 2009)." On page two, the minute entry says the State is to produce what it has in its possession no later than June 22, 2009.

In keeping with the recent decision of *State v Newell (Milagro)*, --- Ariz. ---, --- P.2d --- (1 CA-SA 09-0052, Court of Appeals filed June 2, 2009), the Court clarifies that the disclosure deadline of discoverable information in its possession is June 22, 2009. The State has a continuing obligation to make disclosure in a timely fashion subject to possible sanctions under Rule 15. But, as *Newell* makes clear, the deadline set pertains to information in the State's possession, not to testing or analysis reports which have not yet been concluded and/or produced.

**DATED** this 3<sup>rd</sup> day of June, 2009.

  
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The Honorable Thomas B. Lindberg  
Yavapai Superior Court / Division Six

cc: Joseph C. Butner III, Esq., Office of the Yavapai County Attorney (via e-mail this date)  
(e) John M. Sears, Esq., 107 North Cortez Street, Suite 104, Prescott, Arizona 86301 (via e-mail and facsimile this date to 928-445-1472)  
Larry A. Hammond, Esq., Anne M. Chapman, Esq., Osborn Maledon, P.A., 2929 North Central Avenue, 21<sup>st</sup> Floor, Phoenix, Arizona 85012-2793 (via e-mail and facsimile this date to: 602-640-6076)  
Victim Services: Attn. Marie Martinez

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